

The Middletown Zoning Board of Minutes of March 26, 2013

The Middletown Zoning Board of Review was held on March 26, 2013 at 7:00 P.M. Present at this meeting were Chairman –Peter Van Steeden, Vice Chairman-Tom Silveira, Secretary-Lucy Levada. Voting board members- Steve MacGillivray and Charles Vaillincourt. 1st Alternates James Miller, 2nd Nick Pasyanos. Town Solicitor- Michael Miller and Zoning Official-Jack Kane. Olin Gambrell was absent from this meeting.

A motion was made by Charles Vaillincourt and second by Tom Silveira to accept the Secretary’s minutes of January 8, 2013 and February 26, 2013. Motion carried 5-0

CONTINUANCES/WITHDRAWALS:

- 1. Petition of: John Gullison & Bonnie Zimble-----April 23, 2013
- 2. Petition of: DDR Southeast c/o care of Brian Zabell----- April 23, 2013
- 3. Philip J. Rondina (2 petitions) -----April 23, 2013
- 4. 210 Coddington Realty Trust (appeal)----- May 28, 2013

REFERRALS:

Petition of: Dr. George P. Lewis, Lewis Family LP III--- to Planning Board

Petition of: Gertrude Realty LLC--- to Planning Board

FULL HEARING:

1. Petition of : Deborah Gold-10 A Barton lane- Middletown, R.I. – David Fraser-2B Bristol Rd. Middletown, R.I. (applicant)- by his Attorney Vernon L. Gorton Esq.- 181 Chase Rd. Portsmouth R.I. for a Variance from Sections 603, 701 & 803 G- to construct a 34'x46' two story garage addition with a right side yard setback of 12' where 30' is required, lot frontage of 136, where 150,is required and lot area of 21,236 square feet where 40,000 square feet is required. Said real estate located at 10 Barton Ln. and further identified as Lot 69 on Tax Assessor's Plat 111.

James Miller will be the voting board member on these petitions Exhibit# 1 –Roberts Appraisal. There is a letter on file from abutters approving this petition.

A motion was made by Lucy Levada and second by Charles Vaillincourt to grant the variance. Petition granted 5-0

2. Petition of : Deborah Gold- 10A Barton Lane- Middletown, R.I.- David Fraser- 28 Bristol Rd. Middletown, R.I. (applicant)-by his Attorney Vernon L. Gorton Esq. -181 Chase Rd. Portsmouth R.I. for a Special Use Permit from section 602- to allow the expansion of the existing two family dwelling by allowing a 34'x46' addition of garage and living area. Said real estate is located at 10 Barton Lane and further identified as Lot 69 on Tax Assessor's Plat 111.

Board member James Miller will be a voting member on this petition Mr. Fraser stated that there has been no change since this petition was presented to the old board had approved this petition. After all discussion were made and to have the Planning Board check to see if

any changes have been made. Charles Vaillincourt had issues with this petition.

A motion was made by Steve MacGillivray and second by Lucy Levada to grant the petition based on the rules of the ordinance. Petition granted 1-4 with Charles Vaillincourt voting in opposition.

3. 10 Coddington Highway, LLC- 10 Coddington Highway Middletown R.I. (owner) –by their Attorney Girard Galvin, Esq. 31 American Cup Ave. Newport, R.I. for a Variance from Section 1208 (A)- to allow a portion of the proposed sign to be used as signage for the Veterans of Foreign Wars (VFW) post 4487, which is setback from Coddington Highway on Underwood Lane, Middletown,R.I.. Said real Estate is located at 10 Coddington Hwy. and further identified as Lot 57 & 58 on Tax Assessor's Plat 107 SW.

4. 10 Coddington Highway-10 Coddington Highway- Middletown,R.I. (owner)- by Attorney Girard Galvin,Esq. 31 American Cup Ave. Newport ,R.I. for a Special Use Permit from Sections 1212 (D) (1) (A)- to allow the proposed sign to exceed the area and height maximums specifically to allow sign area of 60 sq. ft. where 16 sq. ft. is allowed, and to allow height of 13' where 6' height is allowed. Said real estate located at 10 Coddington Hwy and further identified as Lot 57 & 58 on Tax Assessor's Plat 107 SW.

Appraisal Experts from Roberts Appraisals & Newport Appraisal Group were submitted. The subject property is located on the southerly side of Coddington Highway. The Applicant seeks to permit

the condensing of the sign with a second off premise sign resulting in a pylon structure.

Letters on file from abutters approving this petition.

A motion was made by Tom Silveira and second by Charles Vaillincourt to grant the Variance that the relief to be granted is the least relief necessary. Variance granted 5-0

A motion was made by James Miller and second by Charles Vaillincourt to grant the Special Use Permit. It will not create a nuisance in the neighborhood. Petition granted 5-0.

5. Petition of: David Merkel- 58 Aquidneck Ave Unit 3-Middletown, R.I. (owner) by his Attorney Peter Brent Regan Esq.-130 Bellevue Ave,-Newport R.I.- for a Variance from Sections 603&701 to allow construction of a 26.3' x16' rooftop with a front yard setback on Wave Ave. of 2'4" where 10' is required and a south side yard setback of 2' where 20' is required. Said real estate is located at 58 Aquidneck Ave, and further identified as Lot 1803 on Tax Assessor's Plat 116nw.

Petitioner request this Variance in accordance with the standards set forth in Section903 of the Zoning ordinance

A motion was made by James Miller and second by Charles Vaillincourt to grant the Variance. Petition granted 5-0

6. Petition of: David Merkel -58 Aquidneck Ave.-Middletown, R.I.-(owner) by his Attorney Peter B. Regan Esq.- 130 Bellevue

Ave.-Newport, R.I. for a Special Use Permit from Sections 602 & 803A- to allow a modification to the existing mixed residential and commercial uses by the addition of a rooftop deck to serve applicants residence . Said real estate located at 58 Aquidneck Ave. Unit 3 and further identified as Lot 1803 on Tax Assessor's Plat 116NW.

History on this petition is that it came to the board for a Special Use Permit March 27, 2012 to convert the existing second floor of the property to a residential unit. It was granted.

A motion was made by Lucy Levada and second by Charles Vaillincourt to grant the petition as the petitioner has no other means to provide for an outdoor living area. Petition granted 5-0

Meeting Adjourned: 9:10 p.m.

Respectfully Submitted

Lucy R. Levada

Secretary